IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.623 OF 2005

Tarachand Sohanlal Jain
and Ors. ..Applicants
Vs.
M/s.Jalan Trading Corpn.
& Anr. ..Respondents

...
Mrs. Priti Shah Advocate for Applicants
Mr. D.P.Adsule, A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : AUGUST 19,2005

P.C.

1. Leave to amend granted. Amendment to be carried out forthwith.

2. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

3. The applicants are seeking quashing of process issued by the learned Spl.M.M. Small Causes Court Mumbai in C.C.No.372/S/2003. In the said case process is issued against the applicants under Section 138 of Negotiable Instruments Act.

4. However, for the reasons recorded in my order

dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

5. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. I am informed that the next date before the trial Court is 20.9.2005. The learned advocate for the applicants makes a statement that the necessary revision will be preferred within four weeks from today.

6. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

7. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]